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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,097	11/14/2003	Scott C. Harris	BARCODE-DI	9523
23844	7590	11/15/2007	EXAMINER	
SCOTT C HARRIS			WALSH, DANIEL I	
P O BOX 927649			ART UNIT	
SAN DIEGO, CA 92192			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/714,097	Applicant(s) HARRIS, SCOTT C.	
	Examiner Daniel I. Walsh	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 8-28-07.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18,19,28-31 and 48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18,19,28-31 and 48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Receipt is acknowledged of the RCE of 8-28-07.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18, 19 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara, as discussed in the previous Office Action.

Re claim 18, Ogasawara teaches a portable communication device with a camera and a display unit therein, to obtain an image of a barcode (FIG. 14); using said portable communication device to make a telephone call (inherent property of a telephone), using the portable communication device for sending information indicative of the barcode to a remote server and receiving and displaying on the display of the portable communication device, more information about the barcode from the remote server (remote server 26/server 210 that can be remote, and paragraphs [0143] and [0144]). Re claim 19 and 48, the limitations have been discussed above. Paragraph [0123] teaches the camera can obtain video to capture the barcode, which is interpreted as a barcode image (frame by frame). This information is displayed on the phone/terminal/videophone.

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The Examiner notes that Ogasawara is silent to a processor in the device to analyze the spacing between elements to obtain numerical information (re claim 18), that the processor determines edge spaces defining edges of the barcode by finding spaces that are larger than an allowable space between elements, using the processor to determine sizes of barcode portions within the image, forming numerical information indicative of the sizes, sending information indicative of the numerical information to a remote server and obtaining information from the server based on the numerical information (re claims 19 and 48).

However, Ogasawara teaches that the wireless videophone includes barcode decode software in addition to pattern recognition software (paragraph [0131]) and that as each code is read, the SKU (interpreted as numerical information) is sent to the server to fetch information (paragraph [0056]). Accordingly, the Examiner notes that it would have been obvious to one of ordinary skill in the art as part of the barcode decode software, to decode the barcode image. Barcodes are encoded by the width of the bars/spaces. Accordingly, the Examiner notes that it would have been obvious to one of ordinary skill in the art as part of the decode process described above, to analyze the spacing between elements as part of the decode process in order to decode barcodes at the device/video phone level, since spacing is part of how information is encoded. The Examiner notes that it is obvious that such decoding necessitate use of a processor for such electronic processing. Further, though numerical information in the form of a SKU is discussed above, the Examiner notes that it is widely accepted that barcodes can encoded different numerical information (item codes, item numbers, serial numbers, etc)., and that non-numerical information can be encoded, depending on how encoding is performed. Therefore, the

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actual encoding of data within a barcode is well within the ordinary skill in the art, whether numeric, alphanumeric, etc., as a means to encode data into a machine readable area.

Re claims 19 and 48, the Examiner notes that decoding at the device level has been discussed above. Further, it is well known and conventional in the art that barcode images captured from a device, can have as part of the image, spaces outside the barcode itself, when the image is captured (such as when imaged from a substrate), such spaces being larger than the small amount of pixels permitted as part of the spacing between barcode elements of the code itself (such as blank spots preceding and after the actual barcode itself). The Examiner notes that edge detection is well known and conventional in the art, for example where a leading edge, and subsequent edges can be detected based upon transitions (from light to dark or vice versa). Accordingly, it would have been obvious to use well known and accepted technique of edge transitions, in order to detect edges of the barcode and the elements within it, thus the use of edge detection appears to meet the limitations of claim 19 and 48, and is an obvious expedient to detect a barcode and its elements within an image. The additional added limitations of the processor, numerical information, etc. have been discussed above. The Examiner again notes that the size of barcode portions/spacing are how barcodes are encoded with data (white and dark elements of varying width is how different sets of data are encoded).

3. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara, as discussed above, in view of Schuessler (US 2001/0045461).

The teachings of Ogasawara have been discussed above.

Ogasawara is silent to the code containing first and second parts where the second part has more information than the first part.

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Schuessler teaches a dual type barcode with a first part that is interpreted by a first bar code scanning process to obtain information and a second part which is interpreted by a second bar code scanning process to obtain second information that has more information than the first information (abstract) and they are scanned in different directions (FIG. 1). The Examiner notes that the 2d code (non-linear) stores more information than the linear code, and, as they are different format codes, are interpreted as being scanned in different processes. The Examiner notes that such 2d codes are understood to be scanned in the two directions, which would meet the limitation of a direction different than the 1d/linear code scanning.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Ogasawara with those of Schuessler.

One would have been motivated to do this to encode more information into a bar code.

4. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara/Schuessler, as discussed above, in view of Kaufman et al., as cited in the previous Office Action.

The teachings of Ogasawara/Schuessler have been discussed above.

Ogasawara/Schuessler are silent to second information from a color/grayscale.

Kaufman et al. teaches color being used to store information in a barcode (claims 1-8+).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Ogasawara/Schuessler with those of Kaufman et al.

One would have been motivated to do this to have a portion to provide additional data storage, along with robustness, reduced errors, and alternative identification.

***Response to Arguments***

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection (see above).

***Additional Remarks***

6. The Examiner notes that the new limitations added to the independent claims regarding determining sizes of barcode portions and spaces, are well known and conventional in the art. The sizes of the spaces and bars is how data is encoded in barcodes (re claim 18). Re claims 19 and 48, the Examiner notes that the very well known concept of edge detection appears to teach the limitations whereby spaces are present and edges are detected to define a barcode. The Examiner notes that these concepts are both very common in barcode decoding, and would obviously need the presence of a processor to perform such electronic data manipulation/calculation steps. In order to expedite prosecution, the Examiner notes that he is available for communication, if the Applicant wishes to discuss the newly added limitations which appear to recite that which is well known and conventional.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (See PTO-892).

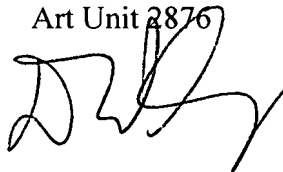
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel I Walsh  
Examiner  
Art Unit 2876

A handwritten signature in black ink, appearing to be 'DW', written over the printed name and title.

DANIEL WALSH  
PRIMARY EXAMINER